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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,787	10/18/2001	Kenneth Beime	GES-0032	5435
28062	7590	01/26/2005	EXAMINER	
BUCKLEY, MASCHOFF, TALWALKAR LLC 5 ELM STREET NEW CANAAN, CT 06840			WASYLCHAK, STEVEN R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/682,787	KENNETH BEIRNE ET AL	
	<b>Examiner</b> Steven R. Wasylchak	<b>Art Unit</b> 3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 9/27/04

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-37 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

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**DETAILED ACTION**

**Response to Amendment**

1. Claims 1-37 are pending; this action is in response to Applicant's amendment received Sept. 27, 2004.
2. Examiner has carefully considered Applicants arguments and finds them unpersuasive.

Applicant argues in substance that the references cited do not disclose a credit check without the knowledge of and uninitiated by the customer. However, see claim 1, Walker et al., col 10, L 18-23; fig 3 (304: "send customer"). Moreover, it is quite possible that it is illegal to do a credit check without the knowledge of and uninitiated by the customer without his consent as generally one's social security number is required for processing a credit check.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roach et al US 5,434,394 and in view of Walker et al (US 6,336,104).

**Claims:**

1. A method for pre-screening customer data of a customer by a selling entity at a point of sale location, comprising: receiving said customer data at a point of sale system; /abstract during the course of a single check out process at said point of sale location:/ abstract transmitting said customer data to a server; /fig. 1 searching a database for said customer data;/ col 2, L 22-46 performing a credit worthiness check to determine a credit pre-approval of said customer, said performing is done using a result of said searching; /col 2, L47-55; col 7, L 39-68. However, Roach et al. does not explicitly disclose without knowledge of and uninitiated by said customer. Walker et al. discloses without knowledge of and uninitiated by said customer./ col 10, L 18-23; fig 3 (304:"send customer"). It would have been obvious to one of ordinary skill in the art to use this limitation of without knowledge of and uninitiated by said customer for the advantage of being efficient and obtaining relevant transaction information that might increase bad debts.

providing said customer with an invitation to open a charge account; /col 8, L 1-19 opening said charge account upon acceptance of said invitation by said customer;/col 7, L39-68

Roach does not explicitly disclose selectively executing a charge purchase during said check out process at said point of sale system. However, Walker discloses selectively

executing a charge purchase during said check out process at said point of sale system (abstract; col 4, L 28-50).

It would have been obvious to one of ordinary skill in the art to use this limitation of executing a charge purchase during said check out process at said point of sale system for the advantage of completing the sale and creating a repeat customer for repeat sales.

2. The method of claim 1, further comprising:

Neither Roach nor Walker explicitly disclose holding said invitation open for a predetermined period of time and providing said customer with information on how to access said invitation at a future date. Official notice is taken that this feature of holding said invitation open for a predetermined period of time and providing said customer with information on how to access said invitation at a future date is old and well known in the e-commerce art and / or retail art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of meeting high customer satisfaction levels.

3. The method of claim 1, wherein said customer data includes at least one of said customer's:

name; address; telephone number; social security number; photo identification card; and membership card relating to said selling entity./abstract: customer identification; col 11, L1-4

4. The method of claim 1, further comprising determining whether a membership status of said customer is active or inactive;/ col 7, L 19-38; col 11, L 49-66

wherein further said credit worthiness check is performed on customer data with an active status./ col 7, L 9-38; col 11, L1-66

5. The method of claim 1, further comprising determining whether said customer has a current charge account with said selling entity./ col 11, L 1-66

6. The method of claim 1 wherein said credit worthiness check is performed by a credit bureau./col 2, L47-50

7. The method of claim 1, wherein said credit worthiness check is performed by a credit issuer./ col 4, L7-14

8. The method of claim 1 wherein said credit worthiness check is a full bureau check./ col 4, L7-14

9. The method of claim 1 wherein said credit worthiness check is a partial bureau check./ col 4, L7-14

10. The method of claim 1 wherein said performing a creditworthiness check comprises determining at least one of:  
a credit account limit;/col 20, L16-30

an annual percentage rate; and an account type;/—at least one

for customers who have met specified criteria for said credit pre-approval determination./—at least one

11. The method of claim 1, further comprising printing out said invitation and providing a term or a condition of said invitation./col 20, L 1-48

12. The method of claim 1, wherein said providing of said

invitation offering said customer an incentive to accept said invention through at least one of: a discount for a purchase;/col 8, L 20-40 a reduced interest rate./—at least one

13. Neither Roach nor Walker explicitly disclose providing said customer information on how to access said invitation at a future date includes printing said information on a receipt at said point of sale system. Official notice is taken that this feature of invitation at a future date includes printing said information on a receipt at said point of sale system is old and well known in the e-commerce art and / or retail art as in receiving coupons or rebates printed matter. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of meeting high customer satisfaction levels.

14. The method of claim 1, wherein data related to a declination of said invitation is transmitted to said server and customer records relating to said data is updated./col 7, L12-

38

15. The method of claim 1, further comprising providing said customer with a charge card./ col 8, L1-19

16. The method of claim 1, further comprising performing a fraud check, said fraud check including verifying said customer's identity./col 7, L 30-52; col 8, L 1-19

17. A storage medium encoded with machine-readable computer program code for pre-screening customer data by a selling entity for a customer at a point of sale location, the storage medium

including instructions for causing the selling entity to implement a method comprising:

receiving said customer data at a point of sale system; /

during a check out process:

transmitting said customer data to a server; /

searching a database for said customer data; /

performing a creditworthiness check to; determine

a credit pre-approval of said customer performing

is done using a result of said searching and without

knowledge of and uninitiated by said customer

providing said customer with an invitation to open a

charge account upon acceptance of said invitation

by said customer; /

opening said charge account upon acceptance of said invitation

by said customer

selectively executing a charge purchase during said check out process at said point of sale

system./FOR ALL THE ABOVE SEE CLAIM 1

18. The storage medium of claim 17, further comprising:/

holding said invitation open for a predetermined period of time; /

and providing said customer with information on how to access said invitation at a future date./ FOR ALL THE ABOVE SEE CLAIM 2

19. The storage medium of claim 17, wherein said customer data includes at least

one of said customer's: name; address; telephone number; social security number; photo

identification card; membership card relating to said selling entity./ FOR ALL THE ABOVE  
SEE CLAIM 3

20. The storage medium of claim 17, further comprising determining whether a  
membership status of said customer is active or inactive; wherein further said credit  
worthiness check is performed on  
customer data with an active status./ FOR ALL THE ABOVE SEE CLAIM 4

21. The storage medium of claim 17, further comprising determining whether said  
customer has a current charge account with said selling entity./ FOR ALL THE ABOVE SEE  
CLAIM 5

22. The storage medium of claim 17 wherein said credit worthiness check is  
performed by a credit bureau./ FOR ALL THE ABOVE SEE CLAIM 6

23. The storage medium of claim 17, wherein said credit worthiness check is  
performed by a credit issuer./ FOR ALL THE ABOVE SEE CLAIM 7

24. The storage medium of claim 17 wherein said credit worthiness check is a full  
bureau check./ FOR ALL THE ABOVE SEE CLAIM 8

25. The storage medium of claim 17 wherein said credit worthiness check is a  
partial bureau check./ FOR ALL THE ABOVE SEE CLAIM 9

26. The storage medium of claim 17 wherein said performing a credit worthiness  
check comprises determining at least one of:  
a credit account limit;/  
an annual percentage rate; /  
and an account type;/

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for customers who have met specified criteria for said credit pre-approval determination./ FOR ALL THE ABOVE SEE CLAIM 10

27. The storage medium of claim 17, further comprising printing out said invitation and providing a term or a condition of said invitation/ FOR ALL THE ABOVE SEE CLAIM 11

28. The storage medium of claim 17, wherein said providing of said invitation to comprises offering said customer an incentive to accept said invitation through at least one of a discount off of a purchase; and a reduced interest rate./ FOR ALL THE ABOVE SEE CLAIM 12

29. The storage medium of claim 18, wherein said providing said customer information on how to access said invitation at a future date includes printing said information on a receipt at said point of sale system./ FOR ALL THE ABOVE SEE CLAIM 13

30. The storage medium of claim 17, wherein data related to a declination of said invitations is transmitted to said server and a customer records relating to said data are updated./ FOR ALL THE ABOVE SEE CLAIM 14

31. The storage medium of claim 17, further comprising providing said customer with a charge card./ FOR ALL THE ABOVE SEE CLAIM 15

32. The storage medium of claim 17, further comprising wherein said opening said charge account includes performing a fraud check, said fraud check including verifying said customers identity./ FOR ALL THE ABOVE SEE CLAIM 16

33. A system for pre-screening customer data of customer by a selling entity at a point of sale location, comprising:

at least one point of sale system coupled to a communications link;/fig 1 (all)

a server coupled to said at least one point of sale system via said communications link;/fig 1(20,16)

a data storage device in communication with said server; and a link to a credit information server;/fig 1 (20,62)

wherein said customer data is processed and a credit pre-approval determination is made prior to said customer selecting a payment method./ col 2, L3-50

34. The system of claim 33, wherein said point of sale system:

receives said customer data;/fig 1(16,66)

transmits said customer data to said server; processes check out activities;/fig 1(20,62,26)

receives credit pre-approval determination information from said server;/fig 1(20,16,22,26)

prints out data related to said credit pre-approval determination information;/ fig 1(20,62,66)

in response to a pre-approved customer, generates an account number ; and selectively charges a purchase of merchandise selected by said customer./ col 5, L18-28

35. The system of claim 33, wherein said server:

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accesses customer records relating to said pre-approval determination; /fig 1(20,22,62)

if in the event said customer data stored in said customer records meets specified criteria, transmits said customer data to said credit information server for a credit worthiness check./fig 1(20,16,26,62)

36. The system of claim 33, wherein said link to a credit information server includes a dedicated telephone line./fig 1(20,62)

37. The system of claim 33, wherein said link to a credit information server includes an Internet connection./fig 1(26); col 4, L13-14: Sears Payment System

This action is **FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-7687.

1/22/2005 Steven Wasylchak



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